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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,557	01/16/2002	Daniel Roy Schlee	SCHLEE0201	9638
24507 7590 01/28/2008 MICHAEL BLAINE BROOKS, P.C. P.O. BOX 1630 SIMI VALLEY, CA 93062-1630			EXAMINER NGUYEN, TRI V	
			ART UNIT 1796	PAPER NUMBER
			MAIL DATE 01/28/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/051,557	<b>Applicant(s)</b> SCHLEE, DANIEL ROY	
	<b>Examiner</b> Tri V. Nguyen	<b>Art Unit</b> 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 48-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 48-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Response to Amendment***

1. Upon entry of the amendment filed on 11/09/07, Claims 48-55 are added and Claims 1-47 are cancelled. The currently pending claims considered below are Claims 48-55.

***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 48, 49, 52 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Postrel in view of Simpson and Uyama et al. (US 2001/0049624).

Claim 48: Postrel discloses a method comprising the steps of:

- a) providing a relational database of a plurality of participating consumers in a host computer, the relational database comprising personal data and demographic data associated with each consumer of the plurality of participating consumers, the personal data and demographic data for each consumer originating from at least one of: the consumer and a third party (Postrel: parag. 11, 15, 18, 34 and 37); and
- b) interfacing between the host computer and one or more promoters wherein the one or more promoters are manufacturers, the interfacing comprising:
  - i) inputting, by each manufacturer, information comprising: manufacturer data comprising textual content and image content associated with the manufacturer; and a Uniform Code Council (UCC) code assigned to the manufacturer; brand name data; and product data comprising: a unique UCC code assigned to each product of each manufacturer; and content for each product comprising textual content for each product and image content for each product, wherein the content further comprises a product description, a brand name and a product size indicia (Postrel: parag. 11, 15, 18, 34 and 37); and
  - ii) inputting data for consumer selection, by each manufacturer, the data for consumer selection comprising: textual content and image content associated with the manufacturer; textual content and image content associated with a product of the

- manufacturer; and a promotional material comprising a coupon comprising: the UCC code assigned to the manufacturer; a family code; a UCC value code; a UCC extended bar code; a coupon offer code; a description of one or more products required to be purchased to redeem the promotional material; and an expiration date(Postrel: parag. 11, 15, 18, 34 and 37);
- iii) inputting one or more target consumer profiles comprising: gender; age; delivery interval; and one or more zip code regions for promotional material delivery;
  - iv) specifying, via the host computer, promotional material content comprising: the UCC code assigned to the manufacturer, the family code, the UCC value code, the UCC extended bar code, the coupon offer code, the description of one or more products required to be purchased to redeem the promotional material; and the expiration date (Postrel: parag. 11, 15, 18, 34 and 37);
  - v) querying the relational database to obtain query results (Postrel: parag. 11, 15, 18, 34 and 37);
  - vi) forming a list of consumers from the query results to receive the specified promotional material, the list including a representative consumer having a consumer identification (Postrel: parag. 11, 15, 18, 34 and 37); and
  - vii) saving the query results (Postrel: parag. 11, 15, 18, 34 and 37); and
- c) interfacing between the host computer and one or more consumers comprising the steps:
- i) subscribing by each consumer (Postrel: parag. 11, 15, 18, 34 and 37);
  - ii) offering one or more promotional materials via an online interface for selection by the one or more consumers (Postrel: parag. 11, 15, 18, 34 and 37); and
  - iii) recording a selection of at least one promotional material made by the one or more consumers (Postrel: parag. 11, 15, 18, 34 and 37); and
- d) generating manufacturer promotional materials, comprising:
- i) a coupon barcode, comprising: the UCC code assigned to the manufacturer; the family code; the UCC value code (Postrel: parag. 11, 15, 18, 34 and 37);
  - ii) the extended barcode;
  - iii) a manufacturer/military coupon indicator;
  - iv) the expiration date (Postrel: parag. 11, 15, 18, 34 and 37);
  - v) the coupon offer code; and

- vi) a consumer identification code comprising a serial number and a bar code representation of serial numbers; and
- e) distributing the promotional material to a physical address of a consumer (Postrel: parag. 11, 15, 18, 34 and 37).

Claim 49: Postrel discloses the method of claim 48, the method further comprising the steps of:

- a) interfacing between a host computer and one or more promoters wherein the one or more promoters are retailers, the interfacing comprising:
  - i) inputting, by each retailer, consumer selection information comprising: retailer data comprising textual content and image content associated with the retailer; an offer code; and a coupon value (Postrel: parag. 11, 15, 18, 34 and 37);
  - ii) inputting one or more target consumer profiles comprising gender, age, zip code region, and delivery interval;
  - iii) specifying promotional material content, by each retailer, comprising: an offer code, an expiration date, and a coupon value (Postrel: parag. 11, 15, 18, 34 and 37);
  - iv) querying the relational database to obtain query results (Postrel: parag. 11, 15, 18, 34 and 37);
  - v) forming a list of consumers from the query results to receive the specified promotional material, the list including a representative consumer having a consumer identification (Postrel: parag. 11, 15, 18, 34 and 37); and
  - vi) saving the query results (Postrel: parag. 11, 15, 18, 34 and 37); and
- b) generating manufacturer and retailer promotional materials, comprising:
  - i) manufacturer promotional materials comprising: a coupon barcode, comprising: the UCC code assigned to the manufacturer; the family code; the UCC value code;
  - ii) the extended barcode;
  - iii) a manufacturer/military coupon indicator;
  - iv) the expiration date (Postrel: parag. 11, 15, 18, 34 and 37);
  - v) the coupon offer code; and
  - vi) a consumer identification code comprising a serial number and a bar code representation of serial numbers; and retailer promotional materials, comprising:
    - i. an offer code,
    - ii. an expiration date, and

- iii. a consumer identification code comprising a serial number and a bar code representation of serial numbers; and
- b) distributing the coupon to a physical address of a consumer (Postrel: parag. 11, 15, 18, 34 and 37).

Postrel disclose the coupon distribution method but does not explicitly disclose the features of a manufacturer's coupon, textural or image contents, a targeted profile based on various criteria such as age, gender or zip code regions. In an analogous art, Uyama et al. disclose the feature of a manufacturer's coupon (parag. 71). The claim would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan. The adaptation of the coupon distribution method to specific industries would be well within the purview of skill artisan in the art of marketing at the time of the invention. In an analogous art, Simpson recites the features of using coupons with graphics and text (see figs 4 and 5) and using zip codes in the distribution scheme (parag. 32-34). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method as taught by Postrel. One would have been motivated to enhance brand name recognition via the distribution and consumption of the coupons and to restrict or define a specific geographical region in the distribution of the coupons for marketing purposes (e.g. targeted promotional campaign).

Claims 52 and 53 describe the system of the method of Claims 48 and 49 respectively; therefore, the prior art of Postrel, Simpson and Uyama et al. as set forth above is relied upon to reject Claims 52 and 53.

4. Claims 50, 51, 54 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Postrel in view of Simpson and Uyama et al. and further in view of Gupta et al. (US 6,820,062).

Postrel, Simpson and Uyama et al. disclose the coupon distribution method but do not explicitly disclose the feature of nutritional data associated with the coupon. In an analogous art, Gupta et al. disclose the feature of a nutritional data in the process coupon distribution (col 1, lines 15-36). The claim would have been obvious because a particular known technique was recognized as part of the ordinary capabilities of a skilled artisan. The adaptation of the coupon distribution method to specific industries would be well within the purview of skill artisan in the art of marketing at the time of the invention.

Claims 54 and 55 describe the system of the method of Claims 50 and 51 respectively; therefore, the prior art of Postrel, Simpson and Uyama et al. as set forth above is relied upon to reject Claims 54 and 55.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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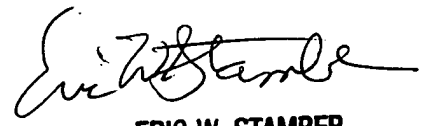
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri V. Nguyen whose telephone number is (571) 272-6965. The examiner can normally be reached on M-F 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119 and Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/nvt/  
1/22/2008

  
**ERIC W. STAMBER**  
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